T/1978

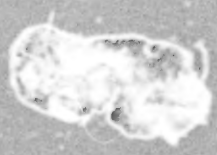
REPORT OF THE UNITED NATIONS VISITING MISSION TO OBSERVE THE PLEBISCITE IN PALAU, TRUST TERRITORY OF THE PACIFIC ISLANDS, NOVEMBER 1993

TRUSTEESHIP COUNCIL

OFFICIAL RECORDS: SIXTIETH SESSION

(May 1993–January 1994)

SUPPLEMENT No. 1



UNITED NATIONS
New York, 1994

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NOTE

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LETTER OF TRANSMITTAL

16 November 1993

Sir,

I have the honour to transmit herewith, in accordance with Trusteeship Council resolution 2197 (LX) of 1 November 1993 and rule 98 of the rules of procedure of the Council, the report of the United Nations Visiting Mission to Observe the Plebiscite in Palau, Trust Territory of the Pacific Islands in November 1993.

The members of the Mission would like to express their most sincere appreciation to all who assisted them in carrying out their task. They wish, in particular, to thank the Honourable Kuniwo Nakamura, President of Palau; the Honourable Tommy Remengesau, Vice President of Palau; Mr. Frank Malsol, Chairman of the Palau Election Commission, and members of the Palau Election Commission; Mr. Fritz Koshiba, Chairman of the Counting and Tabulation Committee, and members of that Committee; and the Chairman and members of the Political Education Committee. The members also wish to express their gratitude for the courtesy and cooperation extended to them by the Chief Justice of Palau, the Honourable Arthur Ngiraklsong; the Attorney-General of Palau, Ms. Ernestine R. Rengiil; and members of the Congress and Senate of the Olbiil Era Kelulau (Palau National Congress).

Most importantly, the members of the Mission would like to thank the people of Palau for their friendship and kindness during their stay in the islands. The Mission members wish them a peaceful and prosperous future.

This report is subscribed to unanimously by the members of the Mission.

Accept, Sir, the assurances of my highest consideration.

(Signed) Alain Pallu DE BEAUPUY
Chairman
United Nations Visiting Mission
to Observe the Plebiscite in Palau,
Trust Territory of the Pacific Islands
November 1993

His Excellency
Mr. Boutros Boutros-Ghali
Secretary-General
United Nations
New York, N.Y. 10017

CHAPTER I

TERMS OF REFERENCE AND COMPOSITION OF THE VISITING MISSION

1. At its sixtieth session in May 1993, the Trusteeship Council had before it a letter dated 13 May 1993 from the Deputy Permanent Representative of the United States of America to the United Nations addressed to the President of the Trusteeship Council (T/1974). In that letter he informed the Council of the intention of the Government of Palau to hold a plebiscite in July 1993 regarding the Compact of Free Association and invited the Trusteeship Council to dispatch a visiting mission to observe that plebiscite.

2. At its 1701st meeting, on 17 May 1993, the Trusteeship Council, without a vote, adopted resolution 2196 (LX) by which it decided to dispatch a visiting mission to observe the plebiscite in Palau. Subsequently, in a letter dated 9 September 1993 (T/1975), the Deputy Permanent Representative of the United States of America to the United Nations addressed a further letter to the President of the Trusteeship Council informing him that President Nakamura had issued Executive Order No. 124, dated 6 August 1993, which decreed that the Government of Palau would hold a plebiscite regarding the Compact of Free Association on 9 November 1993. With reference to Trusteeship Council resolution 2196 (LX) and to its previous letter to the President of the Council on this matter (T/1974), the United States Government invited the Trusteeship Council to send a mission to observe that plebiscite.

3. At its 1702nd meeting on 1 November 1993, the Trusteeship Council adopted, again without a vote, resolution 2197 (LX), similar to its resolution 2196 (LX), by which it decided to send a visiting mission to observe the plebiscite in Palau. The Mission was to begin on or about 2 November 1993 and end as soon as practicable after the declaration of the results of the plebiscite. The Council further decided that the Visiting Mission to Palau should be composed of representatives of China, France, the Marshall Islands, the Russian Federation, Samoa and the United Kingdom of Great Britain and Northern Ireland.

4. The Council directed the Visiting Mission to observe the plebiscite in Palau, specifically the polling arrangements, the casting of votes, the closure of voting, the counting of ballots and the declaration of results. It also requested the Mission to submit a report as soon as practicable to the Council on its observations of the plebiscite, containing such conclusions and recommendations as it might wish to make.

5. After holding the necessary consultations with members of the Trusteeship Council and the Administering Authority, the following were designated as members of the Mission:

Mr. Alain Pallu de Beaupuy (France) (Chairman)

Mr. David J. Howlett (United Kingdom of Great Britain and Northern Ireland) (Vice-Chairman)

Mr. Zhang Yan (China)

Mr. Carl L. Heine (Marshall Islands)

Mr. Semyon A. Dzakhaev (Russian Federation)

Mr. Tuiloma Neroni Slade (Samoa)

6. The Mission was accompanied by two members of the United Nations Secretariat: Mr. Ozdinch Mustafa, Principal Secretary, and Ms. Lesley Wilkinson, Political Affairs Officer. The Mission was escorted in Palau by Mr. W. David Wallace of the United States Mission to the United Nations.

CHAPTER II

PALAU AND THE COMPACT OF FREE ASSOCIATION

7. Palau is the last remaining part of the United Nations Trust Territory of the Pacific Islands. A description of Palau, its history and people is contained in the report of the United Nations Visiting Mission to Palau of March 1992. 1/ The proposed Compact of Free Association between Palau and the United States is described in the report of the United Nations Visiting Mission to Observe the Plebiscite in Palau of February 1983. 2/ Amendments to the Compact, agreed to in January 1986, are contained in the report of the United Nations Visiting Mission of February 1986. 3/ A brief account of the referendums on the Compact held in Palau between 1983 and 1987 is contained in the report of the United Nations Visiting Mission to Palau of 1989. 4/

CHAPTER III

BACKGROUND AND PURPOSE OF THE 9 NOVEMBER 1993 PLEBISCITE

8. Negotiations on the future political status of the Trust Territory of the Pacific Islands began in 1969. The eventual outcome as regards Palau was the Compact of Free Association and its subsidiary agreements, signed by the representatives of the Administering Authority and Palau on 26 August 1982. This package of agreements was designed to serve as the framework for future relations between the United States and Palau. A number of revisions were incorporated into the Compact in January 1986. 5/ Further, the Agreement concerning Special Programs related to the Entry into Force of the Compact of Free Association between the Government of the United States and the Government of the Republic of Palau, known as the "Guam Accord", was signed in May 1989.

9. Since 1983, the seven referendums on the Compact in Palau have received between 60 and 73 per cent of the vote, failing to meet the 75 per cent then required by the Constitution of Palau. The last referendum was held in February 1990 (see annex III, Republic of Palau Public Law No. 4-9, sect. 3, para. 4).

10. In August 1992, Palau, through its own constitutional processes, enacted legislation providing for a referendum to amend the Constitution of Palau to reduce the votes required to approve the Compact, from 75 per cent to "fifty plus one per cent" (see annex II, Republic of Palau Public Law No. 3-76, sect. 1, para. 1). In the referendum held concurrently with the Presidential election on 4 November 1992, the amendment, certified by the Palau Election Commission, was passed by a vote of 61.8 per cent. Mr. Kuniwo Nakamura was elected President of Palau on the same date.

11. However, a lawsuit regarding the referendum was filed in the Palauan courts and the Trusteeship Council and the Administering Authority were of the view that there should be final adjudication of that legal challenge before the scheduled plebiscite. Final adjudication by the Supreme Court of Palau upholding the validity of the constitutional referendum was delivered on 29 October 1993 (see annex VII, para. 12 (f)).

12. The Olbiil Era Kelulau (Palau National Congress) had linked its approval of a plebiscite to a favourable United States response to requests for certain modifications and assurances related to the Compact, submitted to the United States Government on 25 March 1993 by the President of Palau. Meetings began on 2 April 1993 between President Nakamura of Palau and the former United States Assistant Secretary of State to address those concerns. A letter from the Secretary of State of the United States of America, Warren Christopher, to President Nakamura, containing assurances concerning United States intentions with respect to the implementation of the Compact, was delivered on 6 May 1993 (see annex VII, para. 5).

CHAPTER IV

ACTIVITIES OF THE VISITING MISSION

13. The Mission was in Palau from 5 to 12 November 1993. It carried out an extensive programme of visits and meetings throughout the islands. It met the President, members of the Olbiil Era Kelulau, members of the Political Education Committee, the Election Commission and the Counting and Tabulation Committee, the Attorney General, the Chief Justice, the Associate High Court Justice, State Governors and Speakers.

14. The Mission held public meetings at 10 different locations throughout Palau at which its members explained in detail the purpose and role of the Mission. It held discussions with many Palauans, answering their questions and eliciting their views. The Mission also made itself available to any individual or group who wished to meet with it. Those meetings and discussions provided the Mission with valuable firsthand information on the preparations for the plebiscite. In preparing its report, the Mission took fully into account the views expressed to it by the people of Palau.

15. On the Mission's arrival in Palau, the Chairman broadcast a statement to the people of Palau outlining the mandate and role of the Mission (see annex I). That message was broadcast repeatedly on Palau's radio in both English and Palauan during the Mission's stay in the Territory.

16. In the following days, the Mission visited, by boat and car, all the main population centres where it held meetings with Governors, traditional leaders, community leaders and the general public. On several occasions, Mission members divided into teams to cover the widest possible areas.

17. On the day of the plebiscite, the Mission visited most of the polling stations scattered throughout the Territory.

CHAPTER V

POLITICAL EDUCATION

18. The Trusteeship Council has always emphasized the importance of effective political education to ensure that the people of the Trust Territory fully understand the options open to them in the exercise of their right to self-determination under the Charter of the United Nations. The implementation of this task was carried out by the Political Education Committee established under Republic of Palau Public Laws Nos. 3-76 and 4-9 (see annexes II and III). The Committee comprises members from the Congress, the Senate and the Executive branch in order to reflect as wide a range of Palauan opinion as possible.

19. The Political Education Committee is charged with the responsibility of impartially informing and educating the people of Palau on the contents of the Compact of Free Association and its subsidiary and related agreements. It is also an important function of the Committee to provide relevant information on related legislation of the United States and communications from the Administering Authority.

20. The political education programme on the Compact of Free Association had been carried out by the Political Education Committee by the time the Mission arrived in Palau. On the basis of its discussions throughout the Territory, the Mission formed the view that the Committee had undertaken its responsibilities in an unbiased and generally effective manner. It seemed clear from these discussions that the Committee had visited most locations more than once and that the inhabitants had had access to the relevant documentation.

21. At its meeting with the Political Education Committee, the Mission was informed that in the 10 weeks prior to the plebiscite, the following documents had been disseminated: the text of the Compact and of the subsidiary agreements, including the Guam Accord; the letter from Mr. Warren Christopher, Secretary of State of the United States of America, concerning certain assurances given to the Government of Palau (see annex VII, para. 5); and a background brochure on issues concerning the Compact, together with a compilation of other related documents (see annex VII). The Mission was told that most of these materials were available in both English and Palauan. The Mission was also informed that members of the Committee had visited all parts of the country as well as Palauan communities overseas, e.g. those in Guam and the United States.

22. At the same meeting, the Mission was told that the main issues raised by Palauans concerned the economic and financial aspects of the Compact, the military implications (especially in relation to United States access to land) and the letter from Mr. Warren Christopher. The Mission was also informed that, while the majority of the people seemed to understand the Compact, many did not seem to appreciate fully what would happen to the trusteeship and when, if the Compact was approved. The Mission was confronted with this latter question time and again at its own meetings with the communities.

23. The Mission's own meetings also reflected the fact that the issues concerning the Compact had been considered in detail on a number of previous occasions. Many people said that they fully understood the Compact and its provisions and there appeared to be no significant discontent with the work undertaken by the Political Education Committee.

CHAPTER VI

THE PLEBISCITE DEBATE

24. The referendum held on 9 November 1993 was the eighth plebiscite on the Compact of Free Association since 1983. It was held against a background of repeated attempts to define and resolve the future status of Palau. While over this period there had been different points of emphasis, the basic issues remained the same. This fact was not missed by most Palauans. The general feeling seemed to be that the issues were well known and that, in the opinion of many, the argumentation had been fully aired. In this sense, while there appeared to be grounds for the onset of "Compact fatigue", the Mission believed that, in fact, there was a genuine desire among Palauans to express themselves through the plebiscite, in a serious and definitive way, on the Compact of Free Association.

25. This Mission encountered little evidence of any campaigning by any interested group. Until virtually the eve of the poll, there was no public advertisement or other signs of the impending referendum. The Mission was not informed of any campaigning by radio and it was not aware of any by the newspapers. The Mission was informed that, in Palau, any political interest group had free access to the media.

26. In and around Koror, the capital, where the majority of the population live and work, the Mission observed for the first time, on the day before the referendum, and during the referendum day itself, billboards strategically placed at busy road junctions. The competing billboards, in both English and Palauan, carried clear messages to vote either "yes" or vote "no".

27. There was no evidence of similar public signs outside Koror. In one hamlet, however, a Mission team did see and obtained from a young child, a distinctive printed leaflet, in Palauan, promoting the "yes" vote, but the observers were unable to judge the extent of this pamphleteering.

28. The Mission's visit afforded an opportunity for Palauans to raise questions related to the Compact. The Mission was careful to focus attention on its mandate and to confine its responses accordingly.

29. The run-up to the referendum was remarkable for its outward calm. As already noted, there was little campaign activity. A similar air of inactivity was noticeable during the Mission's visits to the villages and hamlets. On polling day itself, citizens went about voting in a quiet and orderly manner. To the Mission, however, this was not necessarily a sign of indifference. In the course of its discussions, the members of the Mission formed the opinion that the Compact issues had been debated frequently and seriously within the local communities. Discussions throughout the country alerted the Mission to the high degree of sensitivity and awareness among the people that was not always displayed or apparent in public.

30. Among the particular issues raised was the consequences for Palau if the referendum results were to approve or disapprove the Compact. Implicit in this concern was a desire to be clear on the precise procedural aspects, namely: if approved, when exactly would Palau's status change; conversely, if the Compact was not approved, how long could Palau expect to remain a Trust Territory. Many of the Mission's interlocutors hoped for continued United Nations involvement. In this connection, the Visiting Mission informed them that the Trusteeship

Council would be expected to continue to carry out its responsibilities towards Palau as long as the Trusteeship Agreement 6/ remained in force. The Mission also referred to the declared position of the United States and its assurances given before the Trusteeship Council that, as Administering Authority, it would continue to fulfil its obligations under the Charter of the United Nations and the Trusteeship Agreement. It was clear to the Mission that there was real concern among Palauans whether United Nations support would continue regardless of the outcome of the referendum. Equally, there was concern that any change in Palau's future status should not diminish the support Palauans could expect from the United Nations.

31. It was also put to the Mission that Palau faced a particular difficulty by virtue of the position of the United States, whereby the Administering Authority is unable to take final action on implementing the Compact while any court challenge is outstanding. The point stressed to the Mission was that the combination of that position of the United States and any challenge in Palau, by even one individual, could hold the whole Compact hostage.

CHAPTER VII

THE POLL

32. The poll was conducted on the basis of Republic of Palau Public Laws Nos. 3-76 and 4-9 and the rules and regulations for the eighth plebiscite on the Compact of Free Association between Palau and the United States of 9 November 1993 (see annexes II, III and VII, para. 2). Voters could present themselves at any polling station without showing any identification provided their names appeared on the master list. One recent change drawn to the attention of the Mission was that eligible persons were required to be registered on the master list at least 60 days before the poll. This time, therefore, voters could not register and vote on the spot. As in previous polls, arrangements were made to allow confined voters to vote.

33. On polling day, the Mission divided into four teams in order to observe voting at as many polling stations as possible. Out of a total of 36 polling stations, the Mission visited 34 locations throughout Koror, Airai, Babelthuap, Anguar and Pelelieu. In addition, many polling stations in Koror and Airai, the main centres of population, were visited more than once.

34. The Mission considered that the rules and regulations were generally well observed. At all polling stations the arrangements were effective and orderly. Provisions had been made for voting in secret and all stations visited were under proper supervision. Campaigners and poll watchers were absent from the vicinity of polling stations, except in Koror. As required under Palauan law, arrangements had been made to ensure that voters understood the ballot paper and that specimens were displayed. All polling stations had the required lists and the poll boxes were properly displayed and secured. There was no evidence of any interference in the voting process.

35. The Mission drew the following matters to the attention of the plebiscite/polling officials. At one polling station, the first 18 pages of the master list were missing, causing some confusion for non-resident voters registered under the first part of the alphabet. At two other polling stations, wrong instructions had been given not to allow voters from elsewhere to cast their ballots. In both of these cases, however, prompt official action was taken to rectify the situation. Further, the Mission expressed concern over individuals at some locations in Koror standing within 100 feet of the voting areas, taking note of voters' names.

36. When the voting ended at 7 p.m., Mission members were present at several locations at central polling stations in Koror. The movement of the polling boxes to the National Congress building prior to the count was also observed.

37. Very significant numbers of Palauans live abroad and the electoral system allows for these citizens overseas to vote outside the country. In this connection, polling took place in Guam, Saipan, Hawaii and the mainland of the United States. The Mission discovered that overseas voters represented about 30 per cent of the total number of voters. No provision was made for the Mission to observe the voting overseas.

CHAPTER VIII

COUNTING AND TABULATION OF VOTES

38. The counting and tabulation of votes took place at the National Congress building in Koror. It began in the evening of 9 November and continued until 16 November 1993. Members of the Mission were present throughout the process during the Mission's stay in Palau. At the time of the Mission's departure on 12 November, 97.7 per cent of the votes cast had been tallied; only postal votes remained to be counted. The process took place in public. Representatives of groups opposed to the Compact, as well as several journalists, were present. Police officers guarded the premises where the counting took place.

39. The experience of past years was evident in the counting and tabulation of the votes. The Mission considered that the process was carried out methodically and with careful attention to detail.

CHAPTER IX

RESULTS OF THE PLEBISCITE

40. The official results of the plebiscite certified on 19 November 1993 by the Election Commission are as follows:

Total registered voters	11 562
Total votes cast	7 624 or 65.94 per cent
Total "yes" votes	5 193 or 68.26 per cent
Total "no" votes	2 415 or 31.74 per cent
Total invalid, void or rejected ballots ..	16

41. Thus, of a total of 7,608 valid votes cast, 5,193, or 68.26 per cent, were cast in favour of the Compact, and 2,415, or 31.74 per cent, were cast against. The total of invalid, void or rejected votes was 16.

CHAPTER X

CONCLUSIONS

42. The Mission carried out its task in accordance with Trusteeship Council resolution 2197 (LX) (see annex I, statement of the Chairman of the Visiting Mission). In that format, the Mission explained its task in meetings with the people of Palau. It is the observation and conclusion of the Mission that the inhabitants of the Territory understood the purpose of the plebiscite and the question on which they were asked to vote.

43. The Mission was satisfied that Palauans entitled to vote were afforded full opportunity to do so. The Mission came across no evidence of intimidation or other undue pressure.

44. In all polling stations observed, appropriate and satisfactory arrangements were made to ensure the privacy of voters and the secrecy of their ballots.

45. The practical polling arrangements were efficient and orderly. This no doubt reflected the experience gained from previous national elections and plebiscites. All polling stations were located in public buildings accessible to the voters and allowed for the security of the ballot boxes.

46. The Mission was satisfied with all arrangements for the poll and concluded that the plebiscite was conducted in a free and fair manner.

47. The Mission was also satisfied with the practical arrangements made for the transport and security of the ballot boxes to the central counting area, for the counting of the ballots and the announcement of results.

48. The counting and tabulation was carried out openly in the presence of members of the Mission and all interested parties, in a properly organized manner. As referred to in paragraph 35 above, a number of matters were drawn to the attention of the polling officials. These were satisfactorily resolved.

49. It is the view of the Mission that the poll was conducted in accordance with the rules and regulations for the plebescite and that the results fairly reflect the wishes of the people of Palau.

Notes

1/ Official Records of the Trusteeship Council, Fifty-ninth Session, Supplement No. 1 (T/1964).

2/ Ibid., Fiftieth Session, Supplement No. 3 (T/1851).

3/ Ibid., Fifty-third Session, Supplement No. 2 (T/1885), annex V.

4/ Ibid., Fifty-sixth Session, Supplement No. 1 (T/1935).

5/ Ibid., Fifty-third Session, Supplement No. 2 (T/1885), p. 30.

6/ Trusteeship Agreement for the Trust Territory of the Pacific Islands, (United Nations publication, Sales No. 1957.VI.A.1).

Annex I

STATEMENT BY MR. ALAIN PALLU DE BEAUPUY, CHAIRMAN OF THE VISITING MISSION, ON 5 NOVEMBER 1993

My name is Alain Pallu de Beaupuy. I am the Chairman of the United Nations Visiting Mission that has come to observe the plebiscite in Palau on 9 November. The Visiting Mission has come as a result of a decision of the Trusteeship Council of the United Nations. It is a pleasure for me and my colleagues to be here. This is my first visit and I look forward to meeting as many of you as possible during our stay here. I know I speak for the other members of the Mission when I say how much we appreciate the warm welcome extended to us. There are six of us in the Mission: I am from France, Mr. Zhang Yan is from China, Mr. Semyon Dzakhaev is from the Russian Federation, Mr. David Howlett from the United Kingdom, Mr. Carl L. Heine is from the Marshall Islands and Mr. Tuiloma Neroni Slade is from Samoa. I am particularly happy that two members of my team come from Pacific countries because these countries are neighbours of yours and understand well the problems of this part of the world. We also have with us from the Secretariat of the United Nations, a team of officers headed by Mr. Ozdinch Mustafa, which includes Miss Lesley Wilkinson.

I should like, first of all, to tell you why we have come all the way from New York to Palau. As I am sure many of you are aware, one of the articles of the Charter of the United Nations, namely Article 76 b, is concerned with the promotion of, and I quote, "the political, economic, social and educational advancement of the inhabitants of the Trust Territories, and their progressive development towards self-government or independence as may be appropriate to the particular circumstances of each Territory and its peoples and the freely expressed wishes of the peoples concerned ...". In other words, the Charter is concerned to see that those territories put under United Nations trusteeship develop to the point where they can manage their own affairs in the way they want to, and I stress, the way they want to.

As you all know, the United States is the Administering Authority for the Trust Territory of the Pacific Islands and is responsible for ensuring that these objectives are pursued. We are here because your Government, supported by the United States, asked the Trusteeship Council, the governing body of the United Nations Trusteeship System, to send a mission to Palau to observe the plebiscite on the Compact of Free Association that will take place on Tuesday, 9 November.

So what is our task? We are here to see how the plebiscite is conducted. We have four main duties.

First, we want to be sure that you, the people of Palau, understand what the plebiscite is about and understand the question on which you are being asked to vote.

Secondly, we must satisfy ourselves that all men and women who are entitled to vote have an opportunity to express their views freely in the plebiscite, or if they so wish, not to vote at all.

Thirdly, we must see to it that the ballot is secret and that no one can know how anybody else votes.

Fourthly, we shall be looking at the polling arrangements, the counting of the votes and the declaration of the results, to see whether all these arrangements are fair and in conformity with the election laws.

I must stress that we are not here to organize the plebiscite. That is a matter solely for the Government of Palau. Nor are we here to make judgements about the Compact of Free Association or to advise you which way to vote. That is for you to decide. At the end, after we have seen how the plebiscite was conducted, we will write a report on it for the United Nations.

So how do we do this? Well, for the greater part of our stay, we shall be dividing into teams so as to cover as much of the Territory as possible. The details of our programme will be given over the radio. We shall also be meeting the President, the Vice-President, members of the Congress, as well as the Referendum Commissioner and his staff, among others.

Then, on polling day, we shall be visiting as many of the polling stations as possible to see how the voting is conducted. After that we shall observe the counting of the votes and the tabulating of the ballots. Then we shall make our report to the Trusteeship Council at United Nations Headquarters.

I know that we can count on your cooperation in carrying out this task. I hope that we can meet as many of you, the people of Palau, as possible. To that end, we shall be holding public meetings in as many places as we can to hear what you have to say. We shall also be available to meet any groups or individuals who may wish to see us.

We are very honoured to have been invited to participate in this important occasion in Palau's history. I should like, on behalf of the United Nations, to thank you for your courtesy and friendliness towards us and to send you every good wish for a happy and prosperous future.

Annex II

REPUBLIC OF PALAU PUBLIC LAW No. 3-76

THIRD OLBIIL ERA KELULAU

Fourteenth Regular Session, April 1992

RPPL NO. 3-76
(Intro as SB 3-152, SD1, HD1, CD1)

AN ACT

To provide for a referendum to amend the Constitution and for a plebiscite on the Compact of Free Association as called for by Petition; to establish dates and procedures for the referendum and plebiscite; to provide for a program of political education; to appropriate funds for the election; and for other purposes.

THE PEOPLE OF PALAU REPRESENTED IN THE OLBIIL ERA KELULAU DO ENACT AS FOLLOWS:

Section 1. Legislative findings and purpose. The Olbiil Era Kelulau declares:

(1) That Article XIV, Section 1 (b) of the Constitution grants to the citizens of Palau the right to amend their Constitution by a petition signed by at least twenty-five percent (25%) of the registered voters. On April 14, 1992, the voters presented a Petition bearing the requisite number of signatures to the Palauan Government. The Petition calls for a referendum within ninety days to amend the Constitution to remove certain inconsistencies between the Palauan Constitution and the Compact of Free Association, to lower the voting requirement for approval of the compact of Free Association from seventy-five percent to fifty plus one percent, and the petitioner's request a separate plebiscite on the Compact of Free Association;

(2) This Act is intended to carry out the will of the Petitioners as expressed in the Petition by providing necessary enabling legislation, dates, funding and po'itical education for the referendum and plebiscite;

(3)(a) The Olbiil Era Kelulau finds that the most important issue now facing the Republic of Palau is our political status. This important issue and any election regarding its outcome will affect not only ourselves but our future generations. Accordingly, an election should be held with adequate planning

for voter registration, funding and political education.

(b) The Olbiil Era Kelulau finds that the referendum on the proposed amendment to the Republic of Palau's Constitution should be held after the upcoming primary election of the executive branch to avoid voter confusion and the use of referendum funds and other resources by candidates for campaign purposes.

(c) The Olbiil Era Kelulau finds that the referendum on the Petition must allow ample time for a thorough political education process to inform the voters.

(d) The Olbiil Era Kelulau finds that the language of the petition is vague and ambiguous as drafted. In order to avoid voter confusion and uncertainty as to the meaning of the Petition, the Olbiil Era Kelulau finds that an impartial explanatory provision must be drafted to accompany the actual language of the Petition on the ballot.

(e) The Olbiil Era Kelulau finds that Palau is currently negotiating for important modifications to the Compact of Free Association with the United States. The Olbiil Era Kelulau finds that it is in the best interest of everyone in the Republic of Palau to delay any referendum regarding the Compact of Free Association to allow for completion of the negotiations.

(f) The Olbiil Era Kelulau finds that the United States Congress is presently considering a bill to amend the Compact of Free Association to limit its term to fifteen years and to clearly specify the land which the United States may use. The Olbiil Era Kelulau and all of the Palauan leadership support that bill and the important changes it seeks to effect. The Olbiil Era Kelulau seeks to show the United States our sincerity in resolving our

political status by enacting this Constitutional Amendment referendum legislation.

(g) In light of foregoing the Olbiil Era Kelulau finds that it is reasonable and necessary to schedule the referendum called for by the Petition on November 4, 1992.

(4) The Olbiil Era Kelulau finds it necessary to pass this enabling act for the people's Petition to be placed on the ballot in a manner which will enable a fair, educated vote for all those entitled. The Olbiil Era Kelulau acknowledges that the President introduced a version of this bill at the end of the Olbiil Era Kelulau's Fourteenth Regular Session. The Olbiil Era Kelulau and its committees closely scrutinized the bill and were in the process of holding public hearings when the President issued Executive Order No. 111 which set the July 13, 1992 date for the referendum and attempted to reprogram funds for the election. The Olbiil Era Kelulau continued to study and work on the Petition and the Petition process. The Olbiil Era Kelulau finds major flaws in the Petition and the Petition process as described above which will result in legal challenges, voter confusion, unnecessary expenditures of government resources and frustration of Petitioners. The Olbiil Era Kelulau finds this legislation necessary in order to correct the flaws in the Petition and Petition process and for the Petition to be placed on the ballot.

(5) If the Petition to amend the Constitution is approved by referendum, a separate plebiscite by the people of the Republic of Palau to approve the Compact of Free Association will require a majority vote and such plebiscite shall be scheduled.

Section 2. Date of referendum on petition.

(1) The Referendum on the Petition to amend the Constitution shall be held on November 4, 1992.

(2) The Election Commission shall concurrently notify the United Nations Trusteeship Council of the date on which the vote on the Petition will be conducted and request that the Trusteeship Council send a delegation to the Republic of Palau to observe the political education and vote on the Petition.

Section 3. Form of Ballot. The Election Ballot for the referendum on the Petition shall be worded as follows:

DO YOU AGREE THAT THE CONSTITUTION SHOULD BE AMENDED BY ADDING THE FOLLOWING SECTIONS?

Place an "X" or other mark in one box.

SECTION 14A. TO AVOID INCONSISTENCIES FOUND PRIOR TO THIS AMENDMENT BY THE SUPREME COURT OF PALAU TO EXIST BETWEEN SECTION 324 OF THE COMPACT OF FREE ASSOCIATION AND ITS SUBSIDIARY AGREEMENTS WITH THE UNITED STATES OF AMERICA AND OTHER SECTIONS OF THE CONSTITUTION OF THE REPUBLIC OF PALAU, ARTICLE XIII, SECTION 6 OF THE CONSTITUTION AND THE FINAL PHRASE OF ARTICLE II, SECTION 3, READING "PROVIDED, THAT ANY SUCH AGREEMENT WHICH AUTHORIZES USE, TESTING, STORAGE OR DISPOSAL OF NUCLEAR, TOXIC CHEMICAL, GAS OR BIOLOGICAL WEAPONS INTENDED FOR USE IN WARFARE SHALL REQUIRE APPROVAL OF NOT LESS THAN THREE FOURTH (3/4) OF THE VOTES CAST IN SUCH REFERENDUM," SHALL NOT APPLY TO VOTES TO APPROVE THE COMPACT OF FREE ASSOCIATION AND ITS SUBSIDIARY AGREEMENTS (AS PREVIOUSLY AGREED TO AND SIGNED BY THE PARTIES OR AS THEY MAY HEREAFTER BE AMENDED, SO LONG AS SUCH AMENDMENTS ARE NOT THEMSELVES INCONSISTENT WITH THE CONSTITUTION) OR DURING THE

TERMS OF SUCH COMPACT AND AGREEMENTS. HOWEVER, ARTICLE XIII, SECTION 6 AND THE FINAL PHRASE OF ARTICLE II, SECTION 3 OF THE CONSTITUTION SHALL CONTINUE TO APPLY AND REMAIN IN FULL FORCE AND EFFECT FOR ALL OTHER PURPOSES, AND THIS AMENDMENT SHALL REMAIN IN EFFECT ONLY AS LONG AS SUCH INCONSISTENCIES CONTINUE.

SECTION 14B. THIS AMENDMENT SHALL ENTER INTO FORCE AND EFFECT IMMEDIATELY UPON ITS ADOPTION.

☐ YES

☐ NO

Omkong diak tial omelodech, ea Supreme Court a mo oterkaklii el kmo ngarngii a klekakebosech ra delongelel a Constitution ma Compact maikel mekekerel rengedel a delevill lobengkel. Me sel Article 13, Section 6 ra Constitution, sesel takoi el ngara ulebengelel a Article 2, Section 3 a kmo "ENGDI LE NGARNGII A NGIIDIL TELBIIL EL KONGEI ER A USSECHEL, OMELSEMEL, OMNGEDELEL MA LECHUB E NGOMENGITEL A NUCLEAR, DOKUNGAS MA LECHUB ENG BAIKING EL KLEKEDALL RA MEKEMAD EL LOMDASU EL MO OUSPECH ERA MEKEMAD, ENG MO NGIUUL A KENGEI ER A EDEI-ER EUAITIUD (3/4) EL SENGKYO EL OLECHOLT A ULDESUIR A RECHAD ER A BELUU. Tiakid a mo diak douspech erngii el lolkael ra Sengkyo ra me kongei ra Compact maikel bebil ra obengkel rengedel a delevill (Tial melekoi ra Compact el blal saing erngii aikal erbitang malechub e omeldechel el mei ruriul, el ngii lomelodech a diak el lutakengii a

Constitution) ra klisketel a loutelill a Compact maikel rengedel a delewill. Engdi Article 13, Section 6 ma ulebongel takoi el ngara Article 2, Section 3 ra Constitution a di mo medechel e melemolem el oureor el mui a klisichel el kirel a rokui el ngodech el tekoi (moktek), e tial omelodech a mo oureor era klemengetel a taem el ngarngii aikal klekakebosech.

Section 14b. Tial omelodech a mo omuchel el oureor era rechedel sel lemengai a kengei er ngii.

There shall be no other question or issue on the ballot. There shall be included on the ballot a brief, impartial, explanatory provision drafted by the Political Education Committee pursuant to Section 7 of this Act. The ballot shall be printed in English and Palauan.

For the Constitution to be amended as proposed in the Petition, the ballot proposal set forth above must receive the approval of a majority of the valid votes cast and in not less than three-fourths (3/4) of the states.

The Election Commission as established by RPPL No. 2-38 shall conduct the vote to amend the Constitution as proposed by the Petition according to this Act and to those provisions of Title 23 ("Elections"), Palau National Code, which are not inconsistent with this Act.

Section 4. Voting Qualifications.

(1) Any citizen of the Republic of Palau entitled to vote in national or state elections may register to vote in the referendum on the Petition and the plebiscite on the Compact of Free Association, provided that any such person who is currently

registered in the General Voters Registry maintained by the Election Commission need not re-register in order to vote.

(2) Any person qualified and desiring to vote, but who is not registered, may submit his or her application for registration to vote in accordance with applicable laws, rules and regulations.

(3) All voting in the referendum to amend the Constitution as proposed by the Petition and the plebiscite on the Compact of Free Association, authorized by this Act shall be by secret ballot.

Section 5. Rules and Regulations.

(1) The Election Commission shall promulgate such rules and regulations governing the conduct of the vote on the Petition and the plebiscite on the Compact of Free Association as it shall deem necessary. The rules and regulations promulgated by the Election Commission shall be exempt from the provisions of the Administrative Procedures Act of Chapter 1 of Title 6 of the Palau National Code. The rules and regulations shall be designed so as to allow for a fair and impartial vote. All polling places shall be observed by representatives of the Election Commission. These representatives shall remain with each ballot box from the time that voting begins until the ballots from that box have been counted. Each ballot box shall be sealed with two (2) locks to be provided by the Election Commission. Said locks shall only be removed in the presence of the officially designated ballot counters and tabulators.

(2) In conducting the referendum and the plebiscite, property of the National Government or of the states of the Republic of Palau, including vehicles and communication devices,

may be used only pursuant to the approval and under the authority of the Election Commission. Said vehicles shall not be used to transport voters to or from the polling place. National and state government telephones shall not be used to urge voters to vote.

(3) The Election Commission shall have the authority to establish polling places outside the territorial jurisdiction of Palau.

(4) A voter shall have the right to vote at any polling place without giving advance notice.

(5) Any voter who is present at a place outside the jurisdiction of the Republic of Palau where there is no established polling place may cast his vote by absentee ballot.

(6) Voting by absentee ballot shall be accomplished according to the provisions of 23 PNC Chapter 15, Subchapter II and any applicable amendments. However, requests for absentee ballots may be made in writing to the Election Commission no later than the day before the date of the election. The absentee ballots shall be mailed or delivered to the Election Commission no later than the established election closing hour of the day of the vote; provided, however, an absentee ballot, if mailed through the U.S. Postal Service, must be received by the Election Commission no later than seven (7) days after the date of the vote.

(7) Title 23, ("Elections") of the Palau National Code, or any other laws that are inconsistent or in conflict with the provisions of this Act, including Title 6 ("Administrative Procedure Act") of the Palau National Code are hereby suspended to the extent that they are inconsistent with this Act until the

results of the vote on the Petition and the plebiscite on the Compact of Free Association are duly certified by the Election Commission, for the purpose of this Act only.

Section 6. Certification of Results. The Election Commission shall certify the election vote count no later than ten (10) days after the day of the vote on the Petition.

Section 7. Political Education Committee.

(1) For the referendum on the Petition to amend the Constitution.

(a) Within ten days after the effective date of this Act, a Political Education Committee shall be appointed, consisting of eight members. Two members shall be appointed by the President of the Republic, two by the Speaker of the House of Delegates, two by the President of the Senate, and two by the association of State Governors. The Political Education Committee shall be responsible for informing the people of Palau about the meaning of the Petition and the consequences of a vote to approve or not to approve the changes to the Constitution of proposed by the Petition. Ten days after the effective date of this Act or as soon as five members have been appointed, whichever is later, the Political Education Committee shall hold its first meeting and may elect its own officers from among the appointed members and adopt rules for the Political Education Committee's operations;

(b) The Political Education Committee shall draft a brief, impartial, explanatory provision to accompany the language of the petition on the ballot. The explanatory

provision shall explain the meaning of the petition and clarify all ambiguities;

(c) The Committee shall hire such staff as it may deem necessary within the limits of appropriations for the Committee's work;

(d) The Committee shall translate, print and distribute copies of the Petition and the text of the proposed change in the Constitution;

(e) The Committee may travel within and outside the Republic; and do such other and related things as may be necessary to accomplish its functions;

(2) For the plebiscite on the Compact of Free Association.

(a) Within ten days after the Election Commission certifies that the Petition to amend the Constitution received the requisite number of votes to pass, a Political Education Committee shall be appointed, consisting of eight members. Two members shall be appointed by the President of the Republic, two by the Speaker of the House of Delegates, two by the President of the Senate, and two by the Association of State Governors. The Political Education Committee shall be responsible for informing the people of Palau about the Compact of Free Association and the consequences of a vote to approve or not to approve the Compact of Free Association. As soon as five members have been appointed, the Political Education Committee shall hold its first meeting and may elect its own officers from among the appointed members and adopt rules for the Political Education Committee's operations;

(b) The Political Education Committee shall equitably divide its human and monetary resources to represent the views of those in favor of and those against the Compact;

(c) The Committee shall hire such staff as it may deem necessary within the limits of appropriations for the Committee's work;

(d) The Committee shall translate, print and distribute copies of the Compact, related documents and materials as necessary and appropriate;

(e) The Committee may travel within and outside the Republic and do such other and related things as may be necessary to accomplish its functions.

Section 8. Authorization and Appropriations.

(1) There is hereby authorized to be appropriated and is appropriated the sum of $75,000 from the National Treasury, to fund the referendum on the Petition to amend the Constitution.

(a) The sum of $75,000 shall be administered by the Political Education Committee and shall be used exclusively to fund political education of the voters regarding the vote on the Petition.

(b) The Political Education Committee shall use $25,000 for unbiased, impartial political education about the Petition. The Minister of Administration shall distribute $25,000 to the Committee on Constitutional Amendment by Popular Initiative and $25,000 to the Plaintiffs in Civil Action No. 288-92. Both recipients of funding pursuant to this section shall submit an itemized proposed budget to the Minister of Administration prior to the receipt of any funds.

Any recipient of funding pursuant to this section shall submit a complete accounting to the Olbiil Era Kelulau and the Minister of Administration no later than November 13, 1992. Any unused funds shall be returned by the organization to the Minister of Administration no later than November 13, 1992.

(c) The Chairman of the Political Education Committee and the Chairman of the election Commission shall submit reports to the Olbiil Era Kelulau and to the President of the Republic of Palau not later than ninety (90) days after the vote on the Petition, accounting for all such sums expended. Any funds authorized and appropriated by this Section and remaining unobligated or unexpended as of thirty (30) days after the vote on the Petition shall lapse and revert to the National Treasury.

(2) There is hereby authorized to be appropriated the sum of $200,000 from the National Treasury to fund the plebiscite on the Compact of Free Association as provided in Sections 10 through 14 of this Act, and conditioned upon the passage of the Petition.

(a) The sum of $100,000 shall be administered by the Election Commission and shall be used exclusively to fund the vote on the Compact of Free Association.

(b) The sum of $100,000 shall be administered by the Political Education Committee and shall be used exclusively to fund the political education of the voters.

(c) The Chairman of the Political Education Committee and the Chairman of the Election Commission shall submit reports to the Olbiil Era Kelulau and to the President of the

Republic of Palau not later than ninety (90) days after the vote on the Compact of Free Association, accounting for all such funds expended. Any funds authorized and remaining unobligated as of thirty (30) days after the vote on the Compact of Free Association shall lapse and revert to the National Treasury.

Section 9. Purpose. Sections 10 through 14 of this Act are intended to provide for a plebiscite on the Compact of Free Association and its Subsidiary Agreements, signed on January 10, 1986, by representatives of the United States and Palau and to provide for a program of political education to precede such plebiscite, if but only if the vote on the Petition to amend the Constitution results in certification by the Election Commission that the Petition received a sufficient number of valid votes to pass. If the Petition fails to pass, these sections shall be void, and no plebiscite shall be held.

Section 10. Subsidiary Agreements.

(1) For the purposes of this Act and the referendum and plebiscite called pursuant to this Act, the term "Subsidiary Agreements" shall mean the following agreements:

(a) Agreement Regarding the Provision of Telecommunication Services by the Government of the United States to Palau concluded pursuant to Section 131 of the Compact of Free Association (signed January 10, 1986);

(b) Agreement Regarding the Operation of Telecommunication Services of the Government of the United States in Palau concluded pursuant to Section 132 of the Compact of Free Association (signed January 10, 1986);

(c) Agreement on Extradition, Mutual Assistance in Law Enforcement Matters and Penal Sanctions concluded pursuant to Section 175 of the Compact of Free Association (signed January 10, 1986);

(d) Agreement between the Government of the United States and the Government of Palau Regarding Economic Assistance concluded pursuant to Section 211(f) of the Compact of Free Association (signed January 10, 1986);

(e) Agreement regarding construction projects in Palau concluded pursuant to Section 212(a) of the Compact of Free Association (signed January 10, 1986);

(f) Federal program and services agreement concluded pursuant to Article II of Title Two and Section 232 of the Compact of Free Association (signed January 10, 1986);

(g) Agreement concluded pursuant to Section 234 of the Compact of Free Association (signed January 10, 1986);

(h) Agreement regarding the military use and operating rights of the government of the United States in Palau concluded pursuant to Sections 321 and 322 of the Compact of Free Association (signed January 10, 1986);

(i) Status of forces agreement concluded pursuant to Section 323 of the Compact of Free Association (signed January 10, 1986);

(j) Agreement regarding the jurisdiction and sovereignty of the Republic of Palau over its Territory and the Living and Non-Living resources of the Sea (signed May 23, 1984);

(k) Agreement concerning procedures for the implementation of United States Economic Assistance, programs and

services provided in the Compact of Free Association between the Government of the United States and the Government of the Republic of Palau (signed December 2, 1987);

(l) Agreement between the Government of the United States and the Government of Palau regarding mutual assistance in law enforcement matters (pursuant to Section 175 of the Compact of Free Association and Section 101(d) (1) (C) of Pub. L. No. 99-658) (signed December 2, 1987);

(m) Agreement concerning special programs related to the entry into force of the Compact of free Association between the Government of the United States and the Government of the Republic of Palau (signed May 26, 1989);

Section 11. Date of plebiscite on Compact of Free Association.

(1) The Olbiil Era Kelulau by Joint Resolution shall schedule a reasonable date for the plebiscite on the Compact of Free Association. In no event shall a Plebiscite be held until after the Republic of Palau has received a favorable response from the United States on the requested modifications to the Compact of Free Association.

(2) The Election Commission shall concurrently notify the United Nations Trusteeship Council of the date on which the plebiscite will be conducted and request that the Trusteeship Council send a delegation to the Republic of Palau to observe the political education and plebiscite.

Section 12. Form of ballot. The election ballot shall be worded as follows:

Place an "X" or other mark in one box.

DO YOU APPROVE FREE ASSOCIATION WITH THE UNITED STATES AS SET FORTH IN THE COMPACT OF FREE ASSOCIATION SIGNED ON JANUARY 10, 1986, INCLUSIVE OF ITS SUBSIDIARY AGREEMENTS, INCLUDING ITS SECTION 324, WHEREBY THE GOVERNMENT OF THE UNITED STATES, IN CARRYING OUT ITS SECURITY AND DEFENSES RESPONSIBILITIES UNDER THE COMPACT OF FREE ASSOCIATION, HAS THE RIGHT TO OPERATE NUCLEAR CAPABLE OR NUCLEAR PROPELLED VESSELS AND AIRCRAFT WITHIN THE JURISDICTION OF PALAU?

☐ YES

☐ NO

There shall be no other question or issue on the ballot. The ballot shall be printed in English and Palauan.

For the Compact of Free Association to be approved, the ballot proposal set forth above must receive that approval of a majority of the valid votes cast. The Election Commission as established by RPPL No. 2-38 shall conduct the referendum according to this Act and to those provisions of Title 21 ("Elections"), Palau National Code, which are not inconsistent with this Act.

Section 13. Certification of results. The Election Commission shall certify the election vote count no later than ten (10) days after the day of the plebiscite in Palau.

Section 14. Procedures for implementation of the Compact of

Free Association with the United States. If the Compact of Free Association is approved by the requisite majority of the citizens of Palau in a plebiscite held for such purposes.

(1) Upon receiving the certification of the Election Commission to such effect, the President of the Republic shall immediately certify such results to the President of the United States.

(2) The President of the Republic shall negotiate with the United States and enter into an agreement setting forth the date on which the Compact of Free Association and its related Subsidiary Agreements shall become effective and such other matters as shall be appropriate to bring into effect the Compact of Free Association and its Subsidiary Agreements.

Section 15. Severability. If any provision of this Act shall be held invalid, such invalidity shall not affect the other provisions of the Act which can be given effect without such invalid provision, and to this extent the provisions of this Act are severable.

Section 16. Effective date. This Act shall take effect upon its approval by the President of the Republic of Palau, or upon its becoming law without such approval, except as otherwise provided by law.

RPPL NO. 3-76
(Intro as SB 3-193, SD2, HD1, CD1.

PASSED: AUGUST 7, 1992

APPROVED THIS 20th DAY OF August, 1992.

The Honorable Ngiratkel Etpison
President, Republic of Palau

Annex III

REPUBLIC OF PALAU PUBLIC LAW No. 4-9

FOURTH OLBIIL ERA KELULAU

Third Special Session, May 1993

RPPL NO. 4-9

(Intro. as HB 4-26-3S, HDJ, SDJ, PDI)

AN ACT

To state the interpretations and positions of the Republic of Palau as to the Compact of Free Association between the Republic of Palau and the United States of America; to authorize and appropriate funds for the 8th Compact Plebiscite; to create a Transition Commission on the Compact and to authorize and appropriate funds for the operations of the Transition Commission; to authorize the entry into force of the Compact of Free Association between the Republic of Palau and the United States of America, and for other purposes.

THE PEOPLE OF PALAU REPRESENTED IN THE OLBIIL ERA KELULAU DO ENACT AS FOLLOWS:

Section 1. Short title. This Act shall be known and may be cited as the "Compact Implementation Act of 1993".

Section 2. Intent and purpose. It is the intent and purpose of this Act to provide for fulfillment of all requisite steps and actions required of the Government and the people of the Republic of Palau in order for the Compact of Free Association between the Republic of Palau and the United States of America to take effect.

Section 3. Legislative Findings and Declarations. The Fourth Olbiil Era Kelulau, in an effort to resolve the future political status for the people and the Government of the Republic of Palau in a relationship of free association with the United States of America, finds and declares as follows:

(1) Since the commencement of formal negotiations between the United States and members of the Congress of Micronesia in early 1970s, Palau government officials were engaged in a number of joint future political status discussions with officials of the United States of America on a multilateral level alongside representatives of the Federated States of Micronesia and the Republic of the Marshall Islands centered on a relationship of free association.

(2) Following the division of the former Trust Territory of

the Pacific Islands into separate political entities resulting from the 1978 constitutional referendum of the FSM Constitution, Palau commenced its own bilateral status negotiations with the United States of America with such negotiations still centered on a relationship of free association.

(3) From January to April of 1979, thirty-eight (38) convention delegates assembled, drafted and approved a Constitution for the Republic of Palau which, after three constitutional referenda, was duly ratified overwhelmingly by the Palauan voting public on July 9, 1980, and took effect on January 1, 1981.

(4) Over the past 10 years, a total of seven (7) plebiscites on a Compact of Free Association have been conducted and observed by the United Nations Observer Missions within and outside the Republic of Palau with the following voting results:

(a) February 10, 1983 with 62% in favor of Free Association; 31% for closer association with (territory of) the United States; 29% for independence;

(b) September 4, 1984, with 67% in favor of Free Association; 33% for closer association with (territory of) the United States; 14% for independence;

(c) February 21, 1986, with 72% favorable vote for Free Association and 28% against;

(d) December 2, 1986, with 66% in favor of Free Association and 34% against;

(e) June 30, 1987, with 68% in favor of Free Association and 32% against;

(f) August 21, 1987, with 73% in favor of Free

Association and 27% against; and

(g) February 6, 1990, with 60% in favor of Free Association and 40% against.

(5) To lower the Compact approval from the constitutionally mandated requirement of 75% approval to that of a simple majority vote, two constitutional amendment referenda have been held in the Republic of Palau with the following results:

(a) On August 4, 1987, the first such constitutional amendment referendum was held resulting in a 73% affirmative vote. However, the outcome of said referendum was nullified in Civil Action No. 161-87 and which nullification was affirmed on appeal in Civil Appeal No. 60, for lack of three/fourth (3/4) voters required of each House of the Olbiil Era Kelulau to pass legislation authorizing a constitutional amendment pursuant to Article XIV, Section 1(c) of the Constitution.

(b) The second such constitutional amendment referendum was held on November 4, 1992, in which the proposed amendment was approved by a 62% majority vote overall and by 14 out of the 16 states as is required for passage under Section 11 of Article XV of the Constitution. That referendum vote was authorized by a petition signed by not less than twenty-five percent (25%) of the registered voters of the Republic as is required pursuant to Article XIV, Section 1(b) of the Constitution.

(6) For the Compact of Free Association to take effect or be implemented, it must first be approved by both the Republic of Palau and the United States of America according to their

respective constitutional processes. The Compact, together with its associated Subsidiary Agreements, was signed by duly designated representatives of the United States of America and the Republic of Palau on January 10, 1986. The United States Government has to date approved the Compact of Free Association by the enactment of the following United States laws:

(a) US Public Law 99-239, approved on January 14, 1986, entitled a "Joint Resolution to approve the 'Compact of Free Association'" (mainly for the Federated States of Micronesia and the Republic of the Marshall Islands, but including Palau as well), and known as the COMPACT OF FREE ASSOCIATION ACT OF 1985 (99 Stat. 1770-1841);

(b) US Public Law 99-658, approved on November 14, 1986, entitled a "Joint Resolution to approve the 'Compact of Free Association' between the United States and the Government of Palau..." and known as COMPACT OF FREE ASSOCIATION, APPROVAL (100 Stat. 3672-3704); and

(c) US Public Law 101-219, approved on December 12, 1989, entitled a "Joint Resolution to authorize entry into force of the Compact of Free Association between the United States and the Government of the Republic of Palau..." and known as IMPLEMENTATION OF COMPACT OF FREE ASSOCIATION WITH PALAU (103 Stat. 1870-1875).

(7) The President of the Republic of Palau has held discussions and negotiated with the United States regarding modifications to the Compact of Free Association and has received a letter of assurances regarding the Compact from the Government of the United States signed by the Secretary of State of the

United States, dated May 6, 1993 (the "Letter of Assurances") which assurances the President of the Republic of Palau has determined constitute a favorable response by the United States to Palau's request for Compact modifications.

Section 4. Ratification of Subsidiary Agreements. The Olbiil Era Kelulau hereby approves and ratifies the Agreement Concerning Procedures for the Implementation of United States Economic Assistance, Programs and Services Provided in the Compact of Free Association Between the Government of the United States and the Government of the Republic of Palau and the Agreement Between the Government of the United States and the Government of Palau Regarding Mutual Assistance in Law Enforcement Matters, both entered into on December 2, 1987, and the Agreement Concerning Special Programs Related to the Entry into Force of the Compact of Free Association Between the Government of the United States and the Government of the Republic of Palau entered into on May 26, 1989.

Section 5. Statement of Reliance.

(1) In adopting the Compact of Free Association between the Government of the United States and the Government of the Republic of Palau, the Government of the Republic of Palau shall be acting in reliance upon the assurances provided in the May 6, 1993 letter of assurances from the Secretary of State of the United States to the President of the Republic and the provisions of the "Agreement Concerning Special Programs Related to the Entry into Force of the Compact of Free Association between the Government of the United States and the Government of the Republic of Palau" executed in Guam on May 26, 1989 ("Guam Agreement") and the good faith of the

United States in connection therewith.

(2) In adopting the Compact of Free Association between the Government of the United States and the Government of the Republic of Palau, the Government of the Republic of Palau shall be acting in reliance upon the funding analysis provided as an attachment to the letter of the Deputy Assistant Secretary of State of the United States of February 27, 1993 to the President of the Republic. The Republic acknowledges that any adjustments made to funding amounts shall be made in accordance with Section 215 of the Compact.

Section 6. Statement of Interpretations and Positions. The Government of the Republic of Palau makes the following interpretations and takes the following positions in regard to the Compact of Free Association and the relationship of free association between the Government of the Republic of Palau and the Government of the United States shall be deemed to include such interpretations and positions:

(1) The Government of the Republic of Palau recognizes that the United States Government does not intend, other than during periods of crisis or hostilities, to exercise its rights to train or maneuver in Palau under Paragraph 3 of Annex A to the Subsidiary Agreement regarding the Military Use and Operation Rights of the Government of the United States in Palau concluded pursuant to Sections 321 and 322 of the Compact of Free Association.

(2) The Government of the Republic of Palau shall be obligated to make available to the Government of the United States land in Palau as additional defense sites under Section 322(b) of

the Compact of Free Association only if such sites are necessary for the purposes contemplated in Sections 312 and 352 of the Compact of Free Association.

(3) Section 351(d) of the Compact of Free Association means that any issues unresolved by the joint committee established under Section 351(a) shall be resolved by referral to the Government of the United States and the Government of the Republic of Palau for resolution, and the Government of the Republic of Palau shall be afforded, on an expeditious basis, an opportunity to raise its concerns with the United States Secretary of Defense personally regarding any unresolved issue which threatens its continued association with the Government of the United States.

(4) In the course of conducting negotiations with the Government of the United States for financial assistance in regard to privately owned land as contemplated under Article VI of the Guam Agreement, the Government of the Republic of Palau shall allow the owners of such land the opportunity to fully consult with the Government of the Republic of Palau as to the compensation to be provided.

(5) In carrying out its rights and obligations under Title Three of the Compact of Free Association, the Government of the Republic of Palau shall cooperate with the Government of the United States to the maximum extent possible and in good faith to meet the legitimate needs of the Government of the United States under Title Three of the Compact of Free Association.

(6) The Government of the Republic of Palau and the Government of the United States, prior to the first anniversary of the effective date of the Compact, shall enter into an appropriate

agreement identifying whether and what federal program assistance shall be continued to offset any anticipated, economically adverse circumstances. The Government of the Republic of Palau recognizes that the United States Government will use its best efforts to address expeditiously and sympathetically any transitional problems caused by the difference between Palau's eligibility for federal programs under its status as a Trust Territory and its eligibility for federal programs as a Freely Associated State.

Section 7. Statement of the Relationship. The relationship of free association between the Republic of Palau and the United States shall consist of (i) the Compact of Free Association and its Subsidiary Agreements; (ii) those laws of the United States and the Republic of Palau, agreements and assurances relating thereto enacted, entered into or given prior to the adoption of the Compact of Free Association by the people of Palau in a plebiscite called therefor and (iii) such agreements or assurances as may be subsequently entered into or accepted by both the Government of the United States and the Government of the Republic of Palau.

Section 8. Calling of Plebiscite; Amendment; Repeal.

(1) There shall be a plebiscite on the Compact of Free Association based on the determination by the Government of the Republic of Palau that Palau has received a favorable response from the United States on the requested modifications to the Compact in accordance with Section 11 (1) of RPPL No. 3-76. Such referendum shall be as provided for under Sections 10 through 14 of RPPL No. 3-76 and the provisions of this Act and shall be conducted on a date set by the President of the Republic not less

than ninety (90) days from the date on which the Assistant Secretary of the United States Department of the Interior does not suspend this Act in accordance with Section 11(1) of RPPL No. 3-76.

(2) All applicable sections of RPPL No. 3-76 are hereby incorporated herein and made a part hereof for the purposes of the call of such plebiscite pursuant to this Section 8.

(3) RPPL No. 3-76 and this Section 8 shall each serve independently as the basis for the call of such plebiscite and any finding of invalidity of one as the basis for the calling of the plebiscite shall not effect the validity of the calling of the plebiscite under the authority of the other.

(4) For polling places located outside of the Republic of Palau, the Election Commission may, in its discretion, set a date for the plebiscite on the Compact of Free Association on any weekend day of the weekend immediately preceding the date of the scheduled plebiscite in the Republic of Palau, provided, however, that such date for off-island polling falls within the time frame set forth in subsection (1) above.

(5) Section 12 of RPPL No. 3-76 is amended as follows:

Section 12. Form of ballot. The election ballot shall be worded as follows: Place an "X" or other mark in one box.

DO YOU APPROVE FREE ASSOCIATION WITH THE UNITED STATES AS SET FORTH IN THE COMPACT OF FREE ASSOCIATION, SIGNED ON JANUARY 10, 1986, INCLUSIVE OF ITS SUBSIDIARY AGREEMENTS AND ASSURANCES FROM THE GOVERNMENT OF THE UNITED STATES RELATED THERETO, AND INCLUDING SECTION 324 OF THE COMPACT, WHEREBY THE GOVERNMENT OF THE UNITED

STATES, IN CARRYING OUT ITS SECURITY AND DEFENSE RESPONSIBILITIES UNDER THE COMPACT OF FREE ASSOCIATION, HAS THE RIGHT TO OPERATE NUCLEAR CAPABLE OR NUCLEAR PROPELLED VESSELS AND AIRCRAFT WITHIN THE JURISDICTION OF PALAU?

	YES
	NO

There shall be no other question or issue on the ballot. The ballot shall be printed in English and Palauan.

For the Compact of Free Association to be approved, the ballot proposal set forth above must receive the approval of a majority of the valid votes cast. The Election Commission as established by RPPL No. 2-38 shall conduct the referendum according to this Act and to those provisions of Title 23 ("Elections"), Palau National Code, which are not inconsistent with this Act.

(6) Section 7 (2)(b) of RPPL 3-76 is hereby repealed.

Section 9. Repeal; Authorization and Appropriation.

(1) Section 8 (2) of RPPL 3-76 is hereby repealed.

(2) There is hereby authorized and appropriated the sum of $300,000.00 for the purposes of conducting the plebescite on the Compact of Free Association as provided for by RPPL 3-76 and this Act. Of such sum, $125,000.00 shall be administered

by the Election Commission and shall be used to defray all the expenses in conducting the plebiscite on the Compact of Free Association. The $175,000.00 balance of such sum shall be administered by the Political Education Committee and shall be used to fund the political education of the voters.

(3) The Chairman of the Political Education Committee and the Chairman of the Election Commission shall submit reports to the Olbiil Era Kelulau and to the President of the Republic of Palau not later than ninety (90) days after the vote on the Compact of Free Association, accounting for all funds expended pursuant to subsection (2) of this section. Any funds authorized and remaining unobligated as of thirty (30) days after the vote on the Compact of Free Association shall lapse and revert to the National Treasury.

Section 10. Funding from United States Department of the Interior. The Government of the Republic of Palau shall seek funding from the United States Department of the Interior under Section 109 of P.L. 101-219 or other laws of the United States for the costs of conducting the 8th Plebiscite on the Compact of Free Association between the Republic of Palau and the United States of America as provided in Section 8 of this Act and to fund the activities of the Transition Commission provided for by Section 12 of this Act.

Section 11. Certification of Results and Period for Challenging Plebiscite or Results.

(1) The Election Commission shall certify the election vote count no later than ten (10) days after the day of the Plebiscite referendum in Palau.

(2) Notwithstanding Sections 1571 and 1573(a) of Title 23 of the Palau National Code, any challenge to the certification of the results of the plebiscite by the Election Commission as provided above shall be by complaint directly to the Trial Division of the Supreme Court. Such complaint must be filed within forty-five (45) days of the certification by the Election Commission as provided for by subsection (1) of this Section.

(3) All legal challenges to the establishment, constitutionality, conduct, administration, or results of the plebiscite must be by complaint according to the procedure and within the time period specified by subsection (2) of this Section.

(4) All legal challenges to the establishment, constitutionality, conduct, administration, or results of the Referendum on the Petition to amend the Constitution held on November 4, 1992, pursuant to RPPL No. 3-76, must be by complaint and are subject to the same procedures and within the same time period specified by subsection (2) of this Section.

(5) All legal challenges to the constitutionality, form or substance of this Act or to RPPL No. 3-76 must be by complaint and are subject to the same procedures and within the same time period specified by subsection (2) of this Section.

Section 12. Transition Commission on the Compact Established; Authorization and Appropriation.

(1) Within sixty (60) days following certification of approval of the Compact of Free Association by the Palau Election Commission, the President of the Republic of Palau shall establish a Transition Commission on the Compact consisting of seven (7)

members appointed by the President with the advice and consent of the Senate. Appointees to the Transition Commission need not be citizens of the Republic, shall have achieved a degree from a four-year program at a recognized institution of higher learning, and shall be either a professional or have recognized expertise in economics, finance, accounting, law, engineering, business, immigration matters, or federal programs.

(2) The Transition Commission shall submit, within six (6) months from the date it is constituted and first meets, the report of its findings and recommendations to the President of the Republic of Palau and to the Presiding Officers of the Olbiil Era Kelulau. The recommendations of such report shall not be implemented until approved by joint resolution of the Olbiil Era Kelulau. Should the Transition Commission require additional time or funding to carry out its duties under this Section, a designated representative or representatives of such Commission shall submit a request to the Olbiil Era Kelulau for appropriate action;

(3) The Transition Commission is hereby charged with overall responsibility for identifying those steps or actions necessary to be taken in order for the Compact of Free Association to be implemented. It shall prepare a plan of action and a set of recommendations that, in its view, must be fulfilled prior to implementation of the Compact of Free Association. In addition, the Commission shall, under the authority of the President, conduct such negotiations as are necessary for transition purposes and oversee the implementation of the recommendations of the report mandated by subsection (2) of this section. The Commission

shall have the authority to contract for the performance of such professional services as it requires and to employ such personnel as it deems necessary.

(4) Members of the Transition Commission shall be entitled to compensation at a rate not more than the rate of the salary of a Minister, excluding Commission expenses, while on the business of the Commission, except for those members who are employees of the National Government, who shall be granted administrative leave with pay when necessary to engage in the business of the Commission. Commission members shall be further entitled to travel costs and per diem allowances while on travel status in the official business of the Commission. Staff of both the Executive and Legislative Branches shall make their services available to the Commission upon request.

(5) There is hereby authorized and appropriated such sum as may be granted in the form of technical assistance from United States Department of the Interior in response to the request for the same from the Government of the Republic for the purpose of funding the activities of the Transition Commission, such sum to be administered by a chairperson elected by the members of such Commission. Upon approval of the report of the Commission as provided in subsection (2) of this section, the Commission shall submit to the President and the Olbiil Era Kelulau a detailed and itemized accounting of all funds expended.

Section 13. Entry Into Force of the Compact. Upon approval of the Compact of Free Association and as authorized under RPPL No. 3-76 Section 14(2) which states that "The President of the Republic of Palau shall negotiate with the United States and enter

into an agreement setting forth the date on which the Compact of Free Association and its related Subsidiary Agreements shall become effective...", the President of the Republic of Palau is authorized to agree, in accordance with Section 411 of the Compact, for the Compact to come into effect on such date as may be agreed upon with the Government of the United States of America in accordance with Section 411 of the Compact.

Section 14. Severability. If any provision of this Act shall be held invalid, such invalidity shall not affect the other provisions of the Act which can be given effect without such invalid provision, and to this extent, the provisions of this Act are severable; provided, however, that this Act is integrated to the extent that if any provision of Section 6 or 7 of this Act shall be suspended by the United States Department of the Interior, such suspension shall render this entire Act void and of no effect.

Section 15. Effective date. This Act shall take effect upon its approval by the President of the Republic of Palau, or upon its becoming law without such approval, except as otherwise provided by law.

PASSED: June 23, 1993

Approved this 16th day of July 1993.

Kuniwo Nakamura, President
Republic of Palau

Annex IV

EXECUTIVE ORDER No. 124

REPUBLIC OF PALAU

Office of the President

KUNIWO NAKAMURA
President

P. O. Box 100, Koror • Republic of Palau 96940
Phone (680) 488-2403 / 2541 • Fax (680) 488-1662

EXECUTIVE ORDER NO. 124

Setting November 9, 1993 as the Date for the Eighth Plebiscite on the Compact of Free Association between the Government of the Republic of Palau and the Government of the United States of America

WHEREAS, the resolution of our nation's political status has been the most important issue facing Palau for decades; and

WHEREAS, since the commencement of formal negotiations between the United States and members of the Congress of Micronesia in early 1970s, Palau government officials were engaged in a number of joint future political status discussions with officials of the United States of America on a multilateral level alongside representatives of the Federated States of Micronesia and the Republic of the Marshall Islands centered on a relationship of free association; and

WHEREAS, following the division of the former Trust Territory of the Pacific Islands into separate political entities resulting from the 1978 constitutional referendum of the FSM Constitution, Palau commenced its own bilateral status negotiations with the United States of America with such negotiations still centered on a relationship of free association; and

WHEREAS, from January to April of 1979, thirty-eight (38) convention delegates assembled, drafted and approved a Constitution for the Republic of Palau which, after three constitutional referenda, was duly ratified overwhelmingly by the Palauan voting public on July 9, 1980, and took effect on January 1, 1981; and

WHEREAS, over the past 10 years, a total of seven (7) plebiscites on a Compact of Free Association (herein the "Compact") have been conducted and observed by the United Nations Observer Missions within and outside the Republic of Palau with the following voting results:

(a) February 10, 1983 with 62% in favor of Free Association; 31% for closer association with (territory of) the United States; 29% for independence;

(b) September 4, 1984, with 67% in favor of Free Association; 33% for closer association with (territory of) the United States; 14% for independence;

(c) February 21, 1986, with 72% favorable vote for Free Association and 28% against;

(d) December 2, 1986, with 66% in favor of Free Association and 34% against;

(e) June 30, 1987, with 68% in favor of Free Association and 32% against;

(f) August 21, 1987, with 73% in favor of Free Association and 27% against; and

(g) February 6, 1990, with 60% in favor of Free Association and 40% against; and

WHEREAS, to lower the Compact approval from the constitutionally mandated requirement of 75% approval to that of a simple majority vote, two constitutional amendment referenda have been held in the Republic of Palau with the following results:

(a) On August 4, 1987, the first such constitutional amendment referendum was held resulting in a 73% affirmative vote. However, the outcome of said referendum was nullified in Civil Action No. 161-87 and which nullification was affirmed on appeal in Civil Appeal No. 60, for lack of three-fourth (3/4) voters required of each House of the Olbiil Era Kelulau to pass legislation authorizing a constitutional amendment pursuant to Article XIV, Section 1(c) of the Constitution.

(b) The second such constitutional amendment referendum was held on November 4, 1992, in which the proposed amendment was approved by a 62% majority vote overall and by 14 out of the 16 states as is required for passage under Section 11 of

Article XV of the Constitution. That referendum vote was authorized by a petition signed by not less than twenty-five percent (25%) of the registered voters of the Republic as is required pursuant to Article XIV, Section 1(b) of the Constitution; and

WHEREAS, for the Compact to take effect or be implemented, it must first be approved by both the Republic of Palau and the United States of America according to their respective constitutional processes. In this regard, the Compact, together with its associated Subsidiary Agreements, was signed by duly designated representatives of the United States of America and the Republic of Palau on January 10, 1986. The United States Government has to date approved the Compact of Free Association by the enactment of the following United States laws:

(a) US Public Law 99-239, approved on January 14, 1986, entitled a "Joint Resolution to approve the 'Compact of Free Association'" (mainly for the Federated States of Micronesia and the Republic of the Marshall Islands, but including Palau as well), and known as the COMPACT OF FREE ASSOCIATION ACT OF 1985 (95 Stat. 1770-1841);

(b) US Public Law 99-658, approved on November 14, 1986, entitled a "Joint Resolution to approve the 'Compact of Free Association' between the United States and the Government of Palau..." and known as COMPACT OF FREE ASSOCIATION, APPROVAL (100 Stat. 3672-3704); and

(c) US Public Law 101-219, approved on December 12, 1989, entitled a "Joint Resolution to authorize entry into force of the Compact of Free Association between the United States and the Government of the Republic of Palau..." and known as IMPLEMENTATION OF COMPACT OF FREE ASSOCIATION WITH PALAU (103 Stat. 1870-1875); and

WHEREAS, Section 11(1) of RPPL No. 3-76 enacted on August 20, 1992 states that "In no event shall a Plebiscite be held until after the Republic of Palau has received a favorable response from the United States on the requested modifications to the Compact of Free Association"; and

WHEREAS, as President of the Republic of Palau I held discussions and negotiated with the United States regarding modifications to the Compact of

Free Association and thereafter received a letter of assurances regarding the Compact from the Government of the United States signed by the Secretary of State of the United States, dated May 6, 1993 (hereinafter the "Letter of Assurances"), which assurances the Government of the Republic of Palau has determined constitute a favorable response by the United States to Palau's request for Compact modifications; and

WHEREAS, by Joint Resolution adopted on June 23, 1993 the Olbiil Era Kelulau resolved that "the 8th Plebiscite on the Compact of Free Association between the Government of the Republic of Palau and the Government of the United States of America, including all the associated Subsidiary Agreements, shall be held on a date set by the President of the Republic not less than ninety (90) days from the date the Assistant Secretary of the United States Department of the Interior confirms the Compact Implementation Act of 1993"; and

WHEREAS, Section 8(1) and 8(3) and 8(4) of RPPL 4-9 states that

"(1) There shall be a plebiscite on the Compact of Free Association based on the determination by the Government of the Republic of Palau that Palau has received a favorable response from the United States on the requested modifications to the Compact in accordance with Section 11(1) of RPPL No. 3-76. Such referendum shall be as provided for under Sections 10 through 14 of RPPL No. 3-76 and the provisions of this Act and shall be conducted on a date set by the President of the Republic not less than ninety (90) days from the date on which the Assistant Secretary of the United States Department of the Interior does not suspend this Act in accordance with Section 11(1) of RPPL No. 3-76;

(3) RPPL No. 3-76 and this Section 8 shall each serve independently as the basis for the call of such plebiscite and any finding of invalidity of one as the basis for the calling of the plebiscite shall not effect the validity of the calling of the plebiscite under the authority of the other; and

(4) For polling places located outside of the Republic of Palau, the Election Commission may, in its discretion, set a date for the plebiscite on the Compact of Free Association on any weekend day of the weekend immediately preceding the date of the scheduled plebiscite in the Republic of Palau, provided, however, that such date for off-

island polling falls within the time frame set forth in subsection (1) above"; and

WHEREAS, on August 5, 1993, as President of the Republic, I received a letter jointly addressed from Assistant Secretary Leslie Turner of the United States Department of the Interior and Acting Assistant Secretary Peter Thomsen of the United States Department of State which stated that RPPL No. 4-9 would not be suspended and that the United States Government is committed to working with the people of Palau "to achieve Palau's quest for self-determination";

NOW, THEREFORE, I, Kuniwo Nakamura, President of the Republic of Palau, by virtue of the authority vested in me by the Constitution and laws of the Republic, including but not limited to RPPL No. 3-76 and RPPL No. 4-9 and House Joint Resolution No. 4-9-3S, HD1, SD1, hereby set the time and date for the Eighth Plebiscite on the Compact of Free Association between the Government of the Republic of Palau and the Government of the United States of America to be on **Tuesday, November 9, 1993** from **7:00 a.m.** to **7:00 p.m.** However, in conformance with RPPL No. 4-9 polling places located outside of the Republic of Palau, the Election Commission may, in its discretion, set Saturday, November 6, 1993 and/or Sunday, November 7, 1993 as the date(s) for the Plebiscite on the Compact of Free Association.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on this 6th day of August, 1993 in the State of Koror, Republic of Palau.

Kuniwo Nakamura
President
Republic of Palau

Annex V

OFFICIAL BALLOT

Eighth Plebiscite on the Compact of Free Association Between Palau and the United States of America

Republic of Palau
November 9, 1993 Palau
November 7, 1993 Outside

Place an "X" or other mark in one box

DO YOU APPROVE FREE ASSOCIATION WITH THE UNITED STATES AS SET FORTH IN THE COMPACT OF FREE ASSOCIATION SIGNED ON JANUARY 10, 1986, INCLUSIVE OF ITS SUBSIDIARY AGREEMENTS AND ASSURANCES FROM THE GOVERNMENT OF THE UNITED STATES RELATED THERETO, AND INCLUDING SECTION 324 OF THE COMPACT, WHEREBY THE GOVERNMENT OF THE UNITED STATES, IN CARRYING OUT ITS SECURITY AND DEFENSE RESPONSIBILITIES UNDER THE COMPACT OF FREE ASSOCIATION, HAS THE RIGHT TO OPERATE NUCLEAR CAPABLE OR NUCLEAR PROPELLED VESSELS AND AIRCRAFT WITHIN THE JURISDICTION OF PALAU?

Bom Liang a terigetang (X), malechob e ngidil ngodech el olangch ra ilsel a di tang ra ikal box

KE KONGEI RA MIMOKL DELUILL LOBENGKEL A BELUU RA MERIKEL EL ULEKEDMOKL RA CHELSEL A TELBIIL RA MIMOKL DELUILL EL BLEL SAING ER NGII ER SERA 10 EL KEBESENGIL A KOT'L BUIL RA 1986 EL ULDIMUKL RA MEKEKEREL TELBIIL MA OTERKEKLEL A TEGOI EL MLARA AMT RA MERIKEL EL MEI, EL ULDIMUKL RA 324 EL BADES RA TELBIIL RA MIMOKL EL DELEUIL, MENG MOR NGII A LLEMELTEL A MERIKEL, SEL LORUUL RA NGERCHELEL EL KIREL A KLEKAR MA OSARCH BELUU EL NGAR EUNGEL A TELBIIL RA MIMOKL EL DELEUILL, LORRURT A DIALL MALECHUB ENG SKOKI LOUSPECH A KENSI MA LECHUB ENG OUCHELUCH A KENSI RA CHELSEL A KERENSEL ER BELAU.

YES / CHOI ☐ NO / DIAK ☐

SPECIMEN

Annex VI

OFFICIAL RESULTS OF THE PLEBISCITE

A. Letter dated 24 November 1993 from the President of Palau addressed to the United States Secretary of State

REPUBLIC OF PALAU

Office of the President

KUNIWO NAKAMURA
President

P.O. Box 100, Koror • Republic of Palau 96940
Phone: (680) 488-2403 / 2541 • Fax: (680) 488-1662

24 November 1993
Serial: 0677-93

via State Liaison Office, Palau

The Honorable Warren Christopher
Secretary of State
United States Department of State
2201 C Street NW
Washington, D.C. 20520

Dear Mr. Secretary:

I am very pleased to formally certify to you that the citizens of the Republic of Palau have, in our eighth national plebiscite in close to ten years, at last ratified the Compact of Free Association between the government and people of the United States of America and the government and people of the Republic of Palau. We are transmitting the Plebiscite Report and Election Commission Ratification to Ms. Lynne Lambert, Director of Pacific Island Affairs, of the Bureau of East Asian and Pacific Affairs. However, I want to personally advise you that the Compact was approved by a margin of over 2 to 1.

I appreciated your letter of November 19, 1993 and share your desire to work together "for a smooth transition to Palau's new status." Given the positive relationship we have established with the United States on this issue over the last year, I am confident that we will be able to continue to work productively together towards our mutual goal of political self-determination for the people of Palau.

Mr. Secretary, I speak on behalf of all Palau when I offer a heartfelt "Mesulang" ("thank you") to you and your staff for your support and to the entire United States for its guiding role to our nation for close to fifty years. We regard the termination of the Trusteeship Agreement not as the end of the relationship between our two nations but as the beginning of a positive new friendship and a bright future.

Sincerely,

Kuniwo Nakamura
President of the Republic of Palau

B. Certification of the official results of the eighth plebiscite by members of the Election Commission

REPUBLIC OF PALAU

Office of the Election Commission

P.O. BOX 826, KOROR, REPUBLIC OF PALAU 96940

Phone: (680) 488-1354
Fax: (680) 488-3327

Frank Matsol
Chairman
Members:
Masaharu Tmodrang
Priscilla Soalablai
Noah Idechong
Santos Borja

CERTIFICATION OF RESULTS ON THE 8TH PLEBISCITE OF THE COMPACT OF FREE ASSOCIATION HELD ON NOVEMBER 9, 1993

WHEREAS, pursuant to Executive Order No. 124, the Plebiscite on the Compact of Free Association between the Republic of Palau and the United States of America was held on November 9, 1993; and the results counted and tabulated; and

WHEREAS, RPPL No. 4-9, Section 11(1), requires the certification of the Plebiscite results no later than ten (10) days after the day of the Plebiscite;

NOW THEREFORE, pursuant to the mandate of the people and the laws of the Republic of Palau, the Election Commission hereby certifies the results of the Plebiscite as follows:

Total Registered Voters	11,562	
Total Votes Cast	7,624	
Total Rejected	1	
Total Ballots Counted	7,623	
Total "YES" Votes	5,193	or 68.26%
Total "NO" Votes	2,415	or 31.74%
Total Void	7	
Total Blank	8	

SO CERTIFIED this 19th day of November 1993 at Koror State, Republic of Palau.

FRANK MATSOL, CHAIRMAN

SANTOS BORJA

NOAH IDECHONG

PRISCILLA SOALABLAI

(OFF ISLAND)
MASAHARU TMODRANG, MEMBER

Voting is a Fundamental Right

C. Letter dated 17 November 1993 from the Counting and Tabulation Committee addressed to the Chairman, Palau Election Commission

REPUBLIC OF PALAU
Counting and Tabulation Committee
8TH PLEBISCITE ON THE COMPACT OF FREE ASSOCIATION
November 9, 1993

November 17, 1993

Mr. Frank Malsol
Chairman
Palau Election Commission
Koror, Republic of Palau 96940

Dear Mr. Chairman:

The Counting and Tabulation Committee duly appointed by the Election Commission on November 2nd, 1993 pursuant to RPPL 4- 9 to count and tabulate the results of the Eighth Plebiscite on the Compact of Free Association in Palau on November 9th, 1993, wishes to report the plebiscite results as follows:

Total Registered Voters	11,562
Total Votes Cast	7,624
Total Rejected	1
Total Ballots Counted	7,623
Total Yes Votes	5,193
Total No Votes	2,415
Total Void	7
Total Blanks	8

Based on the above data, we report the following calculations:

Voter Turn Out	65.94%
Yes Percentage*	68.26%
No Percentage*	31.74%

*calculated based on total of YES and NO votes

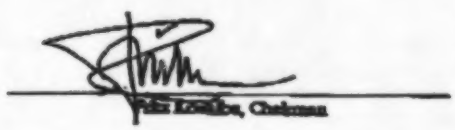
For detailed information, the attached report describes the results of this plebiscite.

Also, the committee wishes to report that your competent Board Members conducted this plebiscite much better than previous referenda. The overall result indicated fewer technical errors which reflects the good leadership by you and members of the Election Commission Board. Consequently, your committee wishes to thank all who assisted in the completion of counting and tabulation of the

plebiscite, namely: Bandista Rengulbai, Krispin Termeteet, Lucy Kanai, Gregorio Olsarong, Theodocia Ngomnoc, Barlini Chiokai, Satoko Iyong, David Tare, Festus Ringang, Carlton Olkeriil, and Moses Kanai.

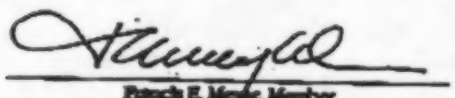
Thank you very much and we hope we have fulfilled the mandate of the Counting and Tabulation Committee to your expectation.

Respectfully submitted by:

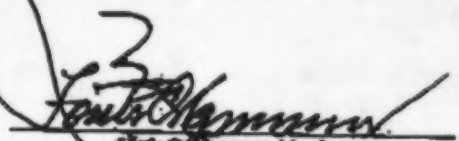


Felix Kesolbo, Chairman

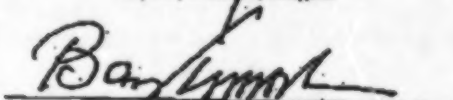
Gilbert U. Decher, Vice Chairman



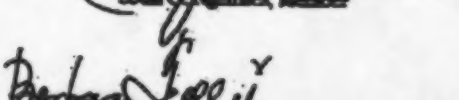
Francis H. Merir, Member



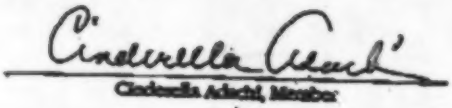
Ueda G. Nguluuch, Member



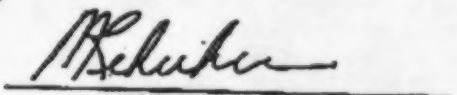
Benjamin Ben Yobech, Member



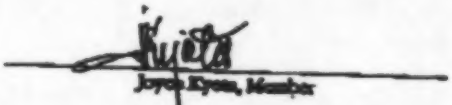
Dorcas Telei, Member



Cinderella Adachi, Member

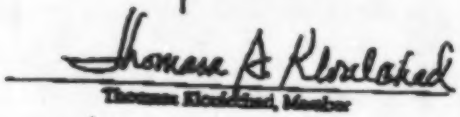


Mark Reluker, Member

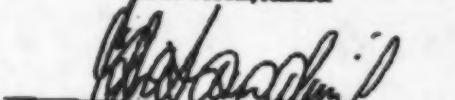


Joyce Kyota, Member

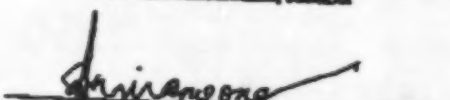
James Yobech, Member



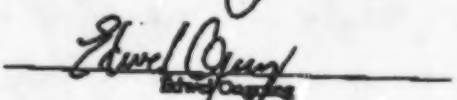
Thomas Klouldad, Member



Member



Genevieve Ngiramengs, Member



Edward Ongping

Annex VII

LIST OF MISCELLANEOUS DOCUMENTS AND COMMUNICATIONS RECEIVED BY THE VISITING MISSION IN PALAU*

1. (a) Compact of Free Association;

(b) Subsidiary agreements to the Compact of Free Association;

(c) Pamphlet on the Compact of Free Association, prepared by the Political Education Committee, by authority of Republic of Palau Public Law No. 3-76 and Republic of Palau Public Law No. 4-9.

2. Rules and regulations for the eighth plebiscite on the Compact of Free Association between Palau and the United States, 9 November 1993.

3. Report of the Counting and Tabulation Committee, Republic of Palau Public Law No. 4-9, eighth plebiscite on the Compact of Free Association, 9 November 1993.

4. Statement by joint leadership on compact ratification, 19 November 1993.

5. Letter dated 6 May 1993 from Mr. Warren Christopher, Secretary of State of the United States of America, addressed to Mr. Kuniwo Nakamura, President of the Republic of Palau.

6. Letter dated 16 August 1991 from the members of the Palau Working Group addressed to Ambassador James Wilkinson, Foreign Policy Adviser to the Commander-in-Chief, United States Command Headquarters, USCINCPAC, Hawaii.

7. Letter dated 2 April 1993 from Mr. William Clark, Jr., Assistant Secretary of State for East Asian and Pacific Affairs, United States Department of State, addressed to Mr. Kuniwo Nakamura, President, Republic of Palau.

8. Letter dated 4 April 1992 from Mr. Richard D. English, Deputy Assistant Secretary of State, United States Department of State, addressed to Mr. Ngiratkel Etpison, President, Republic of Palau.

9. Letter dated 12 March 1993 from Mr. Kuniwo Nakamura, President, Republic of Palau, addressed to Mr. William Clark, Jr., Assistant Secretary for East Asian and Pacific Affairs, United States Department of State.

10. Letter dated 12 May 1993 from Mr. Kuniwo Nakamura, President, Republic of Palau, addressed to Mr. Peter L. Sugiyama, President of the Senate, Fourth Olbiil Era Kelulau, Koror, and Mr. Surangee Whipps, Speaker of the House of Delegates, Fourth Olbiil Era Kelulau, Palau.

11. Letter dated 13 September 1993 from Mr. J. Victor Hobson, Jr., Director, Trust Territory of the Pacific Islands, Palau Office, addressed to Mr. Roman Yano, Chairman, Political Education Committee.

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* The documents have been placed in the files of the Secretariat and are available to members of the Trusteeship Council for consultation.

12. In the Supreme Court of the Republic of Palau Trial Division:

(a) Civil Action No. 481-93, complaint (filed 24 September 1993);

(b) Civil Action No. 481-93, judgement (filed 2 November 1993);

(c) Civil Action No. 481-93, first amended complaint (26 October 1993);

(d) Civil Action Nos. 285-92 and 287-92 (consolidated), trial decision (filed 8 October 1992);

(e) Civil Action No. 435-92, memorandum decision (filed 2 July 1993);

(f) Civil Appeal Nos. 19-92 and 4-93 (consolidated), opinion (filed 29 October 1993).

13. Memorandum dated 11 October 1993 from the Executive Director, Political Education Committee, addressed to the Chairman and members of the Political Education Committee.

14. Certification of the official results of the referendum to amend the Palau Constitution held on 4 and 5 November 1992.

Annex VIII

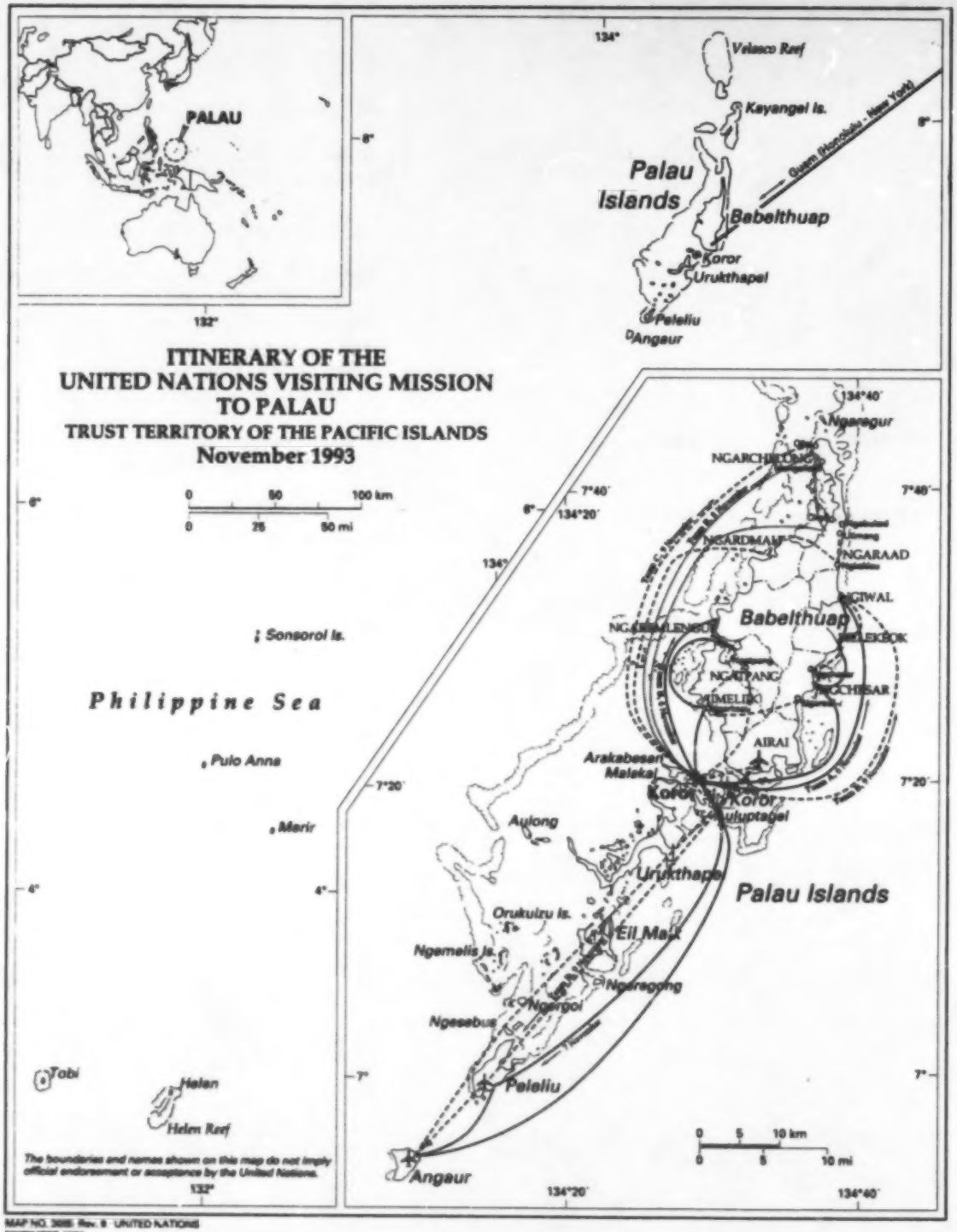
ITINERARY OF THE VISITING MISSION

Date	Place	Activities
2 November 1993	Honolulu	Arrived from New York
3 November		Departed by air for Guam (crossed international date-line)
4 November	Guam	Arrived from Honolulu
5 November		Departed by air for Palau
	Koror, Palau	Arrived from Guam
		Paid a courtesy call on the President of Palau
6 November	Koror	Met with the Chairman of the Election Commission and others
		Briefed on preparations and arrangements for polling day
		Met with the Chairman and members of the Political Education Committee
		Mission formed two teams: team A and team B
		Team A
		Departed by boat for eastern Babelthuap
	Eastern Babelthuap	
	Ngiwal	Met with community leaders and the general public
	Melekeok	Met with community leaders and the general public
	Ngchesar	Met with community leaders and the general public
		Departed by boat for Koror

Date	Place	Activities
		Team B
	Koror	Departed by boat for western Babelthuap
	Western Babelthuap	
	Ngaremlengui	Met with community leaders and the general public
	Ngatpang	Met with community leaders and the general public
	Aimeliik	Met with community leaders and the general public
	Mission as a whole	
7 November	Koror	Departed by boat for Peleliu
	Peleliu	Met with community leaders and the general public
		Departed by boat for Angaur
	Angaur	Met with community leaders and the general public
		Departed by boat for Koror
8 November		Mission formed two teams: team A and team B
		Team A
	Koror	Met with the Associate Justice of Palau, Mr. Larry W. Miller
		Met with the Attorney General of Palau, Ms. Ernestine Rengiil
		Team B
	Koror	Departed by boat for western Babelthuap
	Western Babelthuap	
	Ngarchelong	Met with community leaders and the general public

Date	Place	Activities
	Ngaraard	Met with community leaders and the general public
		Departed by boat for Koror
	Mission as a whole	
	Koror	Met the President of the Senate and some of its members, as well as the Speaker and some members of the House of Delegates, Olbiil Era Kelulau
		Met with the State Governors and Speakers
9 November	Koror	Mission formed four teams: teams A, B, C and D
		Team A
	Koror and Airai	Observed all polling places
		Team B
	Koror	Departed by boat for eastern Babelthuap
	Eastern Babelthuap by boat	Observed polling places in Ngiwal; Melekeok; Ngchesar; Ngersul (Ngchesar State)
	Babelthuap by car	Observed polling places in Ngerkeai, Ngchemiangel (Aimeliik State); Ibobang, Ngatpang (Ngatpang State)
		Team C
	Koror	Departed by boat for western Babelthuap
	Western Babelthuap	Observed polling places in Ollei, Mengellakl (Ngarchelong State); Choll, Ngebuked, Ulimang, Ngkeklau (Ngaraard State); Ngardmau

Date	Place	Activities
		Team D
9 November	Koror	Departed by air for Peleliu
	Peleliu	Observed polling place in Peleliu
		Departed by air for Angaur
	Angaur	Observed polling place in Angaur
		Departed by air for Koror
	Koror	Mission as a whole observed counting and tabulation of votes
10 November	Koror	Mission observed counting and tabulation of votes
11 November	Koror	Mission observed counting and tabulation of votes
		Met with Chief Justice of Palau
12 November	Koror	Mission continued its observation of the counting and tabulation of votes
		Mission met with the President of Palau
		Mission departed by air for Guam, Honolulu and New York



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